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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/064,073	06/07/2002	Theodorus Lambertus Hoeks	08CS5682-1	3895		
23413	7590 07/18/2005		EXAM	EXAMINER		
CANTOR COLBURN, LLP			NUTTER, N	NUTTER, NATHAN M		
55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			ART UNIT	PAPER NUMBER		
	•		. 1711			
			DATE MAILED: 07/18/200	5		

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.J CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION		ATTORNEY DOCKET NO.	
				EXAMINER	
	•		ART UNIT	PAPER	
		,			

DATE MAILED:

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Commissioner for Patents

0705

Nathan M. Nutter **Primary Examiner** Art Unit: 1711

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/064,073	HOEKS ET AL.		
Examiner	Art Unit		
Nathan M. Nutter	1711		

•	LAGIIIIII	Art Onit	1				
	Nathan M. Nutter	1711					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
THE REPLY FILED 07 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.							
1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:							
· -	a) The period for reply expires 3 months from the mailing date of the final rejection.						
event, however, will the statutory period for reply expire later th	b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.						
Examiner Note: If box 1 is checked, check either box (a) or (b) MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f	7).						
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL							
2. The Notice of Appeal was filed on A brief in com	pliance with 37 CFR 41 37 must be	e filed within two mon	ths of the date				
of filing the Notice of Appeal (37 CFR 41.37(a)), or any end of Since a Notice of Appeal has been filed, any reply must	extension thereof (37 CFR 41.37(e)), to avoid dismissal o	of the appeal.				
AMENDMENTS	be med within the time period set it	7.07 O. 10 41.07	uj.				
3. The proposed amendment(s) filed after a final rejection,	but prior to the date of filing a brie	f, will not be entered	because				
(a) They raise new issues that would require further co							
(b) \square They raise the issue of new matter (see NOTE below							
(c) ☐ They are not deemed to place the application in be appeal; and/or	tter form for appeal by materially re	educing or simplifying	the issues for				
(d)☐ They present additional claims without canceling a	corresponding number of finally re	jected claims.					
NOTE: <u>See Continuation Sheet</u> . (See 37 CFR 1.	•						
4. The amendments are not in compliance with 37 CFR 1.		ompliant Amendment	(PTOL-324).				
5. Applicant's reply has overcome the following rejection(s	•	•					
6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).							
7: For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is proof the status of the claim(s) is (or will be) as follows:		rill be entered and an	explanation of				
Claim(s) allowed: <u>none</u> .							
Claim(s) objected to: <u>none</u> .							
Claim(s) rejected: <u>1-22.</u> Claim(s) withdrawn from consideration: <u>none.</u>							
AFFIDAVIT OR OTHER EVIDENCE							
 The affidavit or other evidence filed after a final action, b because applicant failed to provide a showing of good ar and was not earlier presented. See 37 CFR 1.116(e). 	out before or on the date of filing a North and sufficient reasons why the affida	Notice of Appeal will <u>residence</u>	not be entered is necessary				
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).							
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.							
REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:							
12. Note the attached Information Disclosure Statement(s). 13. Other:	/	No(s). A.A. Notter	Mutt				
	O	Primary Examiner Art Unit: 1711					

U.S. Patent and Trademark Office PTOL-303 (Rev. 4-05)

Continuation of 3. NOTE: The concept of the "application of shear" which has been added to the broad claims would require further consideration. The term is deemed to be so broad as to be outside the scope of the application, as filed, and does not serve to place the claims in condition for allowance.